

# 2016 Current Fiscal Year Report: Advisory Committee on Commercial Operations of Customs and Border Protection

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## 1. Department or Agency

Department of Homeland Security

## 2. Fiscal Year

2016

## 3. Committee or Subcommittee

Advisory Committee on Commercial Operations of Customs and Border Protection

## 3b. GSA

## Committee No.

120

## 4. Is this New During Fiscal Year?

No

## 5. Current Charter

03/23/2015

## 6. Expected Renewal Date

03/23/2017

## 7. Expected Term Date

## 8a. Was Terminated During Fiscal Year?

Yes

## 8b. Specific Termination Authority

Pub.L. 114-125

## 8c. Actual Term Date

02/24/2016

## 9. Agency Recommendation for Next Fiscal Year

Terminate

## 10a. Legislation Req to Terminate?

Yes

## 10b. Legislation Pending?

Enacted

## 11. Establishment Authority Statutory (Congress Created)

## 12. Specific Establishment Authority

P.L. 100-203

## 13. Effective Date

12/22/1987

## 14. Committee Type

Continuing

## 14c. Presidential?

No

## 15. Description of Committee Non Scientific Program Advisory Board

## 16a. Total Number of Reports

No Reports for this Fiscal Year

## 17a. Open 2 Meetings and Dates 17b. Closed 0 17c. Partially Closed 0 Other Activities 0 17d. Total 2

Purpose

Start

End

The Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC) will hear from the following subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed on those topics: 1. The Trade Modernization Subcommittee will discuss the progress of the Center of Excellence and Expertise (CEE) Working Group which is addressing the topics of uniformity and levels of service across all of the CEEs. The subcommittee will also discuss the formation of two new working groups, the International Engagement & Trade Facilitation Working Group and the Future Role of Global Supply Chain Parties Working Group. 2. The Global Supply Chain Subcommittee will discuss recommendations related to the use of electronic cargo security devices and their impact on CBP operations. The Pipeline Working Group will provide recommendations pertaining to clear definitions on in-transit pipeline movements and related topics. The subcommittee will also discuss Customs – Trade Partnership Against Terrorism (C-TPAT), land ports of entry (Canada and Mexico), ocean cargo, in-transit movements and the Air Cargo Advance Screening pilot (ACAS). 3. The Exports Subcommittee Manifest Working Group will continue its review of the Federal Register Notices for the Air and Ocean Export Manifest Cargo Tests, and further discuss one of the elements developed from the COAC export mapping exercise, the Progressive Filing Model and Air Environment. The Exports Subcommittee will provide recommendations stemming from the reviews. 4. The One U.S. Government Subcommittee will discuss progress of the Automated Commercial Environment (ACE) Single Window effort and the COAC recommendations. The subcommittee will provide input on trade readiness and partner government agencies' readiness for the upcoming November 1, 2015, ACE implementation of Single Window. There will also be an update from the North American Single Window Vision Working Group. In addition, the Consumer Product Safety Commission (CPSC) and the Food and Drug Administration (FDA) will provide updates on previous COAC recommendations. 5. The Trade Enforcement and Revenue Collection Subcommittee will discuss the establishment of the 14th Term Intellectual Property Rights Working Group, the Trade Enforcement Vision Working Group, and progress made on the Antidumping and Countervailing Duty Working Group. 6. The Trusted Trader Subcommittee will report on the Trusted Trader Pilot and discussions on the implementation of the second phase for testing U.S. Customs and Border Protection (CBP) and partner government agency trade benefits.

10/29/2015 - 10/29/2015

The Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC) will discuss the Trade Efficiency Survey and hear from the following subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed on those topics: 1. The Trade Modernization Subcommittee will discuss the progress of the Centers of Excellence and Expertise Uniformity ("Centers") Working Group. The subcommittee will provide an update on their review of the original COAC recommendations for Centers and what areas they have identified for Centers to develop uniform policies, processes and strategies, with consideration of an industry-focused and account-based approach. The subcommittee will also discuss the progress of the International Engagement and Trade Facilitation Working Group which is identifying examples of best practices in the U.S. and abroad that facilitate trade and could be applied globally. Additionally, the subcommittee will also discuss the formation of a Role of the Broker 2016 working group to provide updated recommendations for revising 19 CFR 111. 2. The Exports Subcommittee Manifest Working Group will discuss the upcoming Air Manifest Pilot and the refocusing/renewal of the Post Departure Filing Working Group (formally Option 4 workgroup). 3. The One U.S. Government Subcommittee will discuss progress of the Automated Commercial Environment (ACE) Single Window effort and the previous COAC recommendations related to this matter. The subcommittee will provide input on trade readiness and partner government agencies' readiness for the upcoming February 28, 2016, ACE implementation of the Single Window. There will also be an update from the North American Single Window Vision Working Group. 4. The Trade Enforcement and Revenue Collection Subcommittee will discuss the progress made on the Intellectual Property Rights Working Group and the Antidumping and Countervailing Duty Working Group, and outline the plans for the Bond Working Group. 5. The Global Supply Chain Subcommittee will review and discuss recommendations related to the Pipeline Working Group and also provide an update on pilot discussions with industry. 6. The Trusted Trader Subcommittee will report on the status of the Trusted Trader Pilot, the next steps for implementation, and the vision of an enhanced Trusted Trader concept that includes engagement with CBP to include relevant partner government agencies with a potential for international interoperability. Meeting materials will be available by January 6, 2016, at:

01/13/2016 - 01/13/2016

<http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings>

**Number of Committee Meetings Listed: 2**

	Current FY	Next FY
<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$0.00	\$0.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$298,488.00	\$0.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$0.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$20,113.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$3,367.00	\$0.00
<b>18d. Total</b>	\$321,968.00	\$0.00
<b>19. Federal Staff Support Years (FTE)</b>	4.00	0.00

#### **20a. How does the Committee accomplish its purpose?**

The work of the Committee helps ensure that the trade community is well informed of CBP trade transformation policies and programs helps ensure compliance and promote continued CBP-Trade partnerships. This collaboration enables CBP to incorporate feedback from the private sector into key initiatives, lessening the negative impact of new programs and ensuring that CBP and the trade advance toward a common goal. A variety of issues were addressed by the Committee during FY 2016 ( 14th Terms). Some of the topics included were the following:

1. Trade Modernization- Trade Transformation Initiatives such as:
  - a.. Centers of Excellence and Expertise (CEEsb. Brokers Regulations
2. Trade Enforcement and Revenue Collection in the areas of:
  - a. Intellectual Property Rights Enforcement
  - b. Bonds
3. Global Supply Chain regarding:
  - a. Land Border Initiatives
  - b. Air Cargo Security in terms of the development of the Air Cargo Advance Screening (ACAS) Pilot
4. Trusted Trader Initiatives and Incentives
5. One U.S. Government at the Border
6. Export and Outbound
  - a. Addressing a One U.S. Government Holistic Approach
  - b. Export and Outbound
    - a. Reviewing use of advance data for exports
    - b. Export manifest

#### **20b. How does the Committee balance its membership?**

For FY 2016 (14th Term COAC) The Committee consisted of representatives of the trade community including:importers, exporters, brokers, carriers, surety agents, trade consultants and trade associations. In addition, members represent major regions of the country and no more than ten may be affiliated with the same political party. The Committee usually retains about half of its membership from prior years and solicits applications for the remainder by filing and publishing a notice in the Federal Register.

#### **20c. How frequent and relevant are the Committee Meetings?**

Since members must travel considerable distances and no expenses of travel are paid by

the Department, meetings are generally scheduled quarterly, in advance, with concurrence of the membership. Quarterly meetings allow sufficient time for members to complete work assignments, to identify agenda items for the next scheduled meeting and to prepare for the next meeting.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

It would be difficult, if not impossible, to obtain such a broad variety of viewpoints from such well qualified individuals in any other single forum. CBP continues to seek advisement from the trade community on both security and trade facilitation policies and initiatives. In FY 2016, the COAC 14th Terms provided recommendations for Exports, One US Government at the Border, Trade Enforcement & Revenue Collection, Trade Modernization regarding ACE, Global Supply Chain Land and Air Security Improvements, and Trusted Trader Programs.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

N/A

**21. Remarks**

The Trade Facilitation and Trade Enforcement Act of 2015 changed the name of this statutory committee, its membership, and other major elements requiring the committee to terminate and establish a new committee encompassing all of the changes detailed in the Act. The Act was enacted on February 24, 2016, thereby the same date this committee terminated. (Director Traci Silas, DHS)

**Designated Federal Officer**

Maria L. (O'Connell) Boyce DFO/Senior Advisor for Trade/ Executive Director

Committee Members	Start	End	Occupation	Member Designation
Allen, Cynthia	03/19/2015	02/24/2016	DHL Global Forwarding	Representative Member
Berry, David	02/27/2012	02/24/2016	Swift Transportation Corporation	Representative Member
Boyer, Scott	03/19/2015	02/24/2016	Member	Representative Member
Fried, Brandon	03/19/2015	02/24/2016	The Airforwarders Association	Representative Member
Hoeger, Suzanne	03/19/2015	02/24/2016	Abbott Laboratories	Representative Member
Iacopella, Vincent	03/19/2015	02/24/2016	The Janel Group of Los Angeles, Inc	Representative Member
Kerlikowkse, R.	03/07/2014	02/24/2016	U.S. Customs and Border Protection	Regular Government Employee (RGE) Member
Merritt (formerly Shaver), Elizabeth	02/27/2013	02/24/2016	Director, Airlines for America	Representative Member
Parks, Julie	03/19/2015	02/24/2016	Leader, Global Trade Organization Global Business Services - Finance	Representative Member
Pinel, Kevin	03/19/2015	02/24/2016	Microsoft Corporation	Representative Member
Skud, Timothy	02/27/2015	02/24/2016	The Department of the Treasury	Regular Government Employee (RGE) Member

**Number of Committee Members Listed: 11**

**Narrative Description**

The Advisory Committee on Commercial Operations to Customs and Border Protection (COAC) (formally The Departmental Advisory Committee on Commercial Operations of Customs and Border Protection and Related Homeland Security Functions and originally known as the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service), provides advice in support of ensuring efficient administration of commercial operations of CBP and provides advice in support of efforts to secure supply chain while maintaining flow of legitimate international commerce. COAC provides advice and recommendations to the Commissioner of U.S. Customs and Border Protection, Department of Homeland Security, and the Deputy Assistant Secretary for Tax, Trade and Tariff Policy, Department of Treasury.

**What are the most significant program outcomes associated with this committee?**

Checked if Applies

- |   |                                     |
|---|-------------------------------------|
| Improvements to health or safety                  | <input checked="" type="checkbox"/> |
| Trust in government                               | <input checked="" type="checkbox"/> |
| Major policy changes                              | <input checked="" type="checkbox"/> |
| Advance in scientific research                    | <input type="checkbox"/>            |
| Effective grant making                            | <input type="checkbox"/>            |
| Improved service delivery                         | <input checked="" type="checkbox"/> |
| Increased customer satisfaction                   | <input checked="" type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other   | <input type="checkbox"/>            |

**Outcome Comments**

NA

**What are the cost savings associated with this committee?**

Checked if Applies

- |                            |                                     |
|----------------------------|-------------------------------------|
| None                       | <input type="checkbox"/>            |
| Unable to Determine        | <input checked="" type="checkbox"/> |
| Under \$100,000            | <input type="checkbox"/>            |
| \$100,000 - \$500,000      | <input type="checkbox"/>            |
| \$500,001 - \$1,000,000    | <input type="checkbox"/>            |
| \$1,000,001 - \$5,000,000  | <input type="checkbox"/>            |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/>            |

Over \$10,000,000  
Cost Savings Other



### **Cost Savings Comments**

Not Quantified, the purpose of the committee is to provide advice to ensure efficient administration of Customs and Border Protection commercial trade functions.

### **What is the approximate Number of recommendations produced by this committee for the life of the committee?**

369

### **Number of Recommendations Comments**

There were 18 recommendations passed by COAC 14th Term in FY 2016 In FY 2016, the 14th Term passed recommendations in the following topic Areas: - 3 recommendations regarding Global Supply Chain Subcommittee - 2 regarding Electronic Cargo Security Devices - note 1 recommendation was a statement (non-actionable).- 6 recommendations regarding Exports- 4 recommendations by One U.S. Government subcommittee focused on: communications and outreach related to ACE PGA pilots, the PGA message Sets, the PGA pilot processes and PGA hold authority. - 1 recommendation from the Trade Enforcement and Revenue Collection Subcommittee related to PGA penalty and liquidated damages relief. - 4 recommendations by the Trusted Trader

Subcommittee.Committee Historical Notes: The Advisory Committee on Commercial Operations of U.S. Customs and Border Protection was terminated via the Trade Facilitation and Trade Enforcement ACT of 2015 which was signed into law on February 24, 2106. The Committee was established as the Commercial Customs Operations Advisory Committee of U.S. Customs and Border Protection and was operational as of April 27, 2016.When CBP completed its first GSA Federal Advisory Committee Act (FACA) online fiscal year committee report, in September 2006, CBP were asked to provide the recommendations for the life of the Committee and to provide percentages of the recommendations implemented. CBP cannot accurately determine those figures over the life of the committee (dating back to 1988) because that information is not readily available to CBP. The committee was previously chaired by Department of Treasury. With the creation of the Department of Homeland Security(DHS), the responsibility for COAC was divided between Treasury and DHS. COAC's name and mission subsequently were expanded to include homeland security and trade functions instead of just CBP. It was not until April 2006 that CBP was charged with the administration and record keeping of this committee.

### **What is the approximate Percentage of these recommendations that have been or**

**will be Fully implemented by the agency?**

37%

**% of Recommendations Fully Implemented Comments**

The percentage above is an estimate based on 138 out of 369 recommendations being fully implmented by the agency between FY 2006 and FY2016.Note: There is progress being made on previous recommendations submitted by the COAC you find additional information regarding the recommendations and their status

at:<https://www.cbp.gov/sites/default/files/documents/COAC%20Recommendations%2013th%20>

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

34%

**% of Recommendations Partially Implemented Comments**

The percentage above is an estimate based on 126 out of the 369 recommendations being partially implemented by the agency since FY2006.Note: There is progress being made on previous recommendations submitted by the COAC you find additional information regarding the recommendations and their status

at:<https://www.cbp.gov/sites/default/files/documents/COAC%20Recommendations%2013th%20>

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

**Agency Feedback Comments**

In quarterly meetings,through sub-committee activities, CBP web postings, and responses to comments made to applicable Notice Proposed Rule Making(NPRM).

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input checked="" type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>

Other

☐

### Action Comments

COAC recommendations submitted during FY 2015 has not caused CBP issue any new regulations, propose changes to legislation or approve grants or other payments during this reporting period. The purpose of the COAC recommendations was to provide input on key agency policy and operations.

### Is the Committee engaged in the review of applications for grants?

No

### Grant Review Comments

NA

### How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO

☒

Online Agency Web Site

☒

Online Committee Web Site

☐

Online GSA FACA Web Site

☒

Publications

☐

Other

☐

### Access Comments

U.S. Customs and Border Protection provides some information on Committee documentation (Meeting Agenda, Federal Register Notices, Meeting Minutes and list of COAC Trade Members) via the CBP website within the section: Stakeholder Engagement. URL: <http://www.cbp.gov/trade/stakeholder-engagement/coac>